

REMARKS

This amendment is in response to the Office Action mailed December 1, 2006.

Claims 1-12 were previously withdrawn in response to the Examiner's restriction requirement. Claims 13-20 remain pending in this application and are amended herein to address the Examiner's detailed action.

In the Office Action, claims 16-18 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that it was unclear which of "said arm member of the pair" is further limited. In response, claims 16-18 have been amended to more clearly identify the positioning of retaining tabs and cooperatively mating recesses for the embodiments claimed. Further, claim 13, from which claims 16-18 directly or indirectly depend, has been amended to recite "first and second arm members" rather than "a pair of arm members." It is believed that these amendments overcome the Examiner's rejection under 35 USC 112, second paragraph.

Claims 13-16 were rejected under 35 USC 102(b) as being anticipated by Huettner et al. (3, 087, 244). The Examiner asserts that Huettner et al. discloses an orthodontic bracket having a base (11) and a pair of arm members extending from the base in an outward direction and defining an archwire slot (12) between them, at least one of the members having an outwardly convex curved shape ... and including a receiving slot (13). However, the receiving slot (13) in Huettner et al. comprises a rectangular recess around the entire periphery of the bracket member (10), and the periphery surface is adjacent to the base (11) (Fig. 2; col. 2, lines 59-61). Further, Huettner et al. discloses a bracket design having a flat outward (or "top") surface (Fig. 3; col. 2, lines 46-48). In contrast, amended claim 13 recites, in part, "said second arm member having an outwardly convex curved shape opposite said base and including a receiving slot ... and further having a correspondingly curved slide member defining a convex outward surface of said bracket opposite said base." Huettner et al. does not disclose, teach, or suggest "a convex outward surface of said bracket opposite said base." Therefore, for at least this reason, Huettner

et al. does not anticipate claim 13. By virtue of their direct or indirect dependency from claim 13, claims 14-16 are likewise not anticipated by Huettner et al.

Claims 13, 15 and 18-19 were rejected under 35 USC 102(b) as being anticipated by Vashi (6,247,923). The Examiner asserts that Vashi discloses an orthodontic bracket having a base (2) and a pair of arm members (4a, 4b) extending from the base in an outward direction and defining an archwire slot (3) between them, at least one of the members having an outwardly convex curved shape ... and including a receiving slot (22). However, Vashi does not disclose “a receiving slot on its outward surface oriented transverse to said archwire slot” as recited in amended claims 13 and 19. Therefore, for at least this reason, Vashi does not anticipate claims 13 or 19. By virtue of their direct or indirect dependency from claims 13 or 19, claims 15 and 18 are likewise not anticipated by Vashi.

Claims 13-15 and 19-20 were rejected under 35 USC 102(b) as being anticipated by Wildman (3,578,744). The Examiner asserts that Wildman discloses an arm member having an outwardly convex curved shape ... and including a receiving slot, and a correspondingly curved slide member (38) having a guide (40) for slidable engagement with the receiving slot. However, Wildman does not disclose “said second arm member having an outwardly convex curved shape opposite said base and including a receiving slot on its outward surface” as recited in amended claims 13 and 19. Therefore, for at least this reason, Wildman does not anticipate claims 13 or 19. By virtue of their direct or indirect dependency from claims 13 or 19, claims 14-15 and 20 are likewise not anticipated by Wildman.

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Wildman in view of Hermann (5,738,513). The Examiner asserts that Wildman discloses all the limitations of claim 17 except for an arm member including retaining tabs and that Hermann teaches of such retaining tabs for cooperatively mating with recesses in the slide member. However, Hermann does not disclose, teach, or suggest “said second arm member having an outwardly convex curved shape opposite said base and including a receiving slot on its outward surface” and, thus, does not overcome the deficiencies of Wildman. Therefore, for at least this reason, the combination of Wildman and Hermann does not render claim 17 unpatentable.

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In summary, amended claims 13-20 are patentable over the cited prior art for at least the reasons discussed above, and allowance of claims 13-20 is respectfully requested. If the Examiner believes direct communication with the Applicant may expedite allowance of the pending claims, the Examiner is invited to contact the Applicant's attorney at the number undersigned below.

Respectfully submitted,

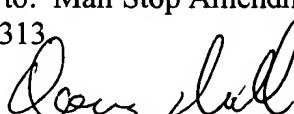


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Dated: February 22, 2007



J. Douglas Wells